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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,392	06/18/1999	TERRENCE R. GREEN	25658-0002	7579

25213 7590 06/13/2003

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EXAMINER

CHOI, FRANK I

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 06/13/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Applicant(s)

09/336,392

Applicant(s)

GREEN ET AL.

Examiner

Frank I Choi

Art Unit

1616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

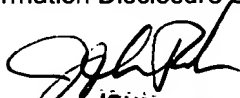
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


JOHN PAK
PRIMARY EXAMINER
GROUP 1000



Continuation of 2. NOTE: Applicant's proposed amendment amends claims 61,62,64-76, 99-111 to claim a device which is a catheter, prosthesis, shunt, stent or leadwire. However, the limitation "shunts, stents and leadwires" is present for the first time after the final action which appears to constitute a new issue which would require further consideration and/or search. Further, Examiner has reviewed the Specification but said limitation does not appear to find support anywhere in the Specification and Applicant has not cited to any part of the Specification which supports said limitation. As such, it appears that said limitation raises the issue of new matter. Further, Applicant states that the present invention permits the simultaneous incorporation of reducing agent and an oxidizing agents by the mixing of solid particles into the polymer or polymer precursors which appears to raise a 35 USC 112, 2nd paragraph issue as the claims do not require the reducing agent and oxidizing agent be added as solid particles only that the final product contain solid particles.

Continuation of 3. Applicant's reply has overcome the following rejection(s): 103 rejection of claims 61,62,64-69,73-75,92,93,95,96,99-104 and 109-111 in so far as the rejection relates to the elected invention, i.e. a medical device which is catheter or prosthesis comprising a solid polymeric matrix of thermoplastic polymers and thermosetting polymers containing within the matrix solid particles of an oxidant producing component where, elemental iodine is the oxidant, and the oxidant producing component containing alkali iodide salt as the reducing agent, alkali iodate salt as the oxidizing agent, glucose oxidase as the proton donor, and the polymer being a hydrophobic silicone polymer.

Continuation of 5. does NOT place the application in condition for allowance because: the claims are not limited to the elected invention and the amendment appears to raise new issues and new matter which require further consideration and search.